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Report of the United Nations High Commissioner for Human Rights

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Chapter I
Introduction

1. In submitting the present report to the General Assembly, the United Nations High Commissioner for Human Rights is mindful that the fifty-fifth session will be the first of the new century and will take place in the aftermath of global events such as the review of the World Summit for Social Development and the review of the Fourth World Conference on Women. The fifty-fifth General Assembly will witness the Millennium Summit and set the stage for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which is to be convened in South Africa in September 2001.

2. The aim of the High Commissioner is to invite the General Assembly to consider decisive steps to prevent gross violations of human rights, for the integration of human rights and development, for the integration of human rights in efforts for the maintenance of international peace and security and for the implementation of the right to development. The High Commissioner hopes that the General Assembly will be able to build upon human rights strategies for the achievement of social justice, the achievement of gender equality, the implementation of international conventions on human rights and the elimination of racism, racial discrimination, xenophobia and related intolerance. With these goals in mind, the High Commissioner submits, with the present report to the General Assembly, a report on the international human rights treaty system (see annex).

Chapter II
Building on new foundations

3. In inviting the General Assembly to outline new strategies for the more effective protection of human rights, the High Commissioner draws attention to the new foundations that have been laid in recent years. These include the orientation of the new medium-term plan submitted for the consideration of the General Assembly; the evolving mission statement of the Office of the High Commissioner, which emphasizes the protection and promotion of the human rights of everyone, wherever they live; the universality, indivisibility, interdependence and interrelatedness of human rights; the emphasis on the principle of non-discrimination; the growing emphasis on the removal of obstacles to the full realization of human rights; and the prevention of human rights abuses throughout the world.

4. The High Commissioner draws attention to gains in the integration and mainstreaming of human rights throughout the United Nations system as well as in regional, subregional and national policies and programmes. Increasingly, the United Nations Development Programme (UNDP), the World Bank, the International Monetary Fund, regional and subregional organizations, including the United Nations regional commissions, and governmental institutions are developing policies to integrate human rights in their work.

5. The High Commissioner notes the increasing emphasis being paid to the protection of human rights in conflicts, in particular internal conflicts, the development of emergency responses in situations where human rights are at risk, the growth of experience in the operation of field offices in situations of conflict, such as those in Burundi and in Colombia, and the growing emphasis on the prevention of human rights abuses throughout the United Nations system as well as within the human rights programme. The prevention of gross violations of human rights is the topic of a separate chapter below. The statement on the prevention of armed conflicts adopted by the Security Council on 20 July 2000[1] highlighted the importance of preventive strategies and of a coordinated international response to the economic, social, cultural and humanitarian problems, which are often the root causes of armed conflicts.

6. As will be seen in the chapter on human rights and development below and in the related report to the General Assembly,[2] significant headway is being made in the integration of human rights in the development process and in the consideration of practical ways and means of implementing the right to development.

7. New strategies are being developed by the Office of the United Nations High Commissioner for Human Rights in pursuing the promotion and protection of human rights, regionally and subregionally. These strategies go hand-in-hand with efforts to engage in technical cooperation and to support national institutions for the promotion and protection of human rights. At the present time, the Office of the High Commissioner has technical cooperation programmes

in around 60 countries. During the past years, advice and support has been provided for the strengthening or establishment of national institutions in numerous countries.

8. Activities under the United Nations Decade for Human Rights Education (1995-2004) are aimed at reinforcing the universal culture of human rights, with emphasis on practical forms of training and on the training of trainers. To take a case in point, the Assisting Communities Together project seeks to empower individuals, community-based groups and non-governmental organizations (NGOs) in implementing promotional activities on human rights that they themselves conceive and design. In spite of the relatively small number of grants awarded, the project has nonetheless had considerable impact in the field.

9. The International Decade of the World's Indigenous People supports practical forms of international cooperation to protect the rights of indigenous populations. Resolution 2000/22 of 28 July 2000 of the Economic and Social Council, establishing a permanent forum for indigenous people, is a major breakthrough in this area.

10. There is a growing international consensus that more must be done to stamp out the wretched practice of trafficking in human beings, particularly in children, girls and women. The High Commissioner draws attention to this growing phenomenon and invites the General Assembly to consider bold new measures to address the complex issues involved in a comprehensive manner.

11. Under the leadership of the Secretary-General, important strides have been made in securing commitments from business organizations to uphold internationally recognized norms of human rights and to pledge not to take action contrary to those norms. The global compact with business developed under the leadership of the Secretary-General must lead, as a minimum, to the eradication of breaches of international human rights norms by corporations, both national and transnational.

12. In the area of the operations of the treaty bodies, the General Assembly has before it the reports of various treaty bodies. It also has the report of the annual meeting of chairpersons of human rights treaty bodies.[3] As will be seen from that report, the Office of the High Commissioner has taken new initiatives to strengthen the cooperation between treaty bodies and special procedures.

13. In the area of fact-finding and response to gross violations of human rights, the annual meeting of special rapporteurs and experts of the Commission on Human Rights is rich in ideas regarding the improvement of their methods of operation. The High Commissioner welcomes the emphasis being given to urgent action in the face of threats to, or gross violations of, human rights. The adoption of the Declaration on Human Rights Defenders by the United Nations, on 9 December 1998, and the appointment of a representative of the Secretary-General on this topic will strengthen the efforts of the human rights movement.

14. Within the Office of the High Commissioner, there is an ongoing programme of change management designed to continue the process of modernizing the Office and of making it a more effective instrument for the protection of the human rights of everyone, wherever they live.

15. Alongside resources from the regular budget of the United Nations, voluntary contributions play a vital part in the activities of the Office of the High Commissioner. The launching, in 2000, of the first-ever annual appeal for voluntary contributions provided detailed statements of the objectives and strategies of projects funded from voluntary contributions. The process of the annual appeal provides for transparency and accountability and is tangible proof that the Office seeks to be of service to Member States in their efforts to strengthen the protection of human rights, both nationally and internationally.

16. Against this review of key developments in the human rights programme, reference will now be made to efforts to prevent human rights violations generally, as well as in particular situations highlighted by the Commission on Human Rights.

Chapter III
Preventing human rights violations

17. The prevention of gross violations of human rights is one of the foremost aims of the United Nations human rights programme and of the United Nations High Commissioner for Human Rights. In her annual report to the Commission on Human Rights,[4] the High

Commissioner invited the Commission to consider how preventive activities could be strengthened. Her report discussed the prevention and punishment of the crime of genocide, prevention of racism and racial discrimination, the right to development and the prevention of human rights violations, prevention of gross violations of civil and political rights, fundamental standards of humanity, prevention of slavery, prevention of trafficking in women and children, prevention of violations through human rights education and combating impunity as a preventive approach.

18. The High Commissioner underlined in her report that the quest for the prevention of gross violations of human rights and of conflicts is a defining issue of our times:

> "As we begin the new millennium, it must be a matter of the utmost priority that we seek, at the national, regional and international levels, to develop societies fashioned in the image of the international norms on human rights. The universal implementation of human rights, economic, social and cultural as well as civil and political, is the surest preventive strategy and the most effective way of avoiding the emergence of conflict."[5]

19. The High Commissioner noted that preventive measures currently in use included: urgent appeals by special rapporteurs and thematic mechanisms; requests by treaty bodies for emergency reports; the urgent discussion of situations in bodies such as the Committee on the Elimination of Racial Discrimination; the indication of interim measures of protection under petitions procedures for which treaty bodies are responsible; the urgent dispatch of personal envoys of the Secretary-General, the High Commissioner for Human Rights and of other organizations; the urgent dispatch of human rights and humanitarian observers or fact-finders; the establishment of international courts; and proposals for the establishment of a rapid reaction force.

20. The High Commissioner announced her intention, as part of the process of strengthening the capacity for preventing gross violations of human rights, to devote particular attention to strengthening these areas of activities and to seek the assistance of partners as a matter of priority for: the maintenance of a list of eminent persons who can be called upon to offer their good offices to help defuse situations where gross violations of human rights appear imminent, the development of a capacity for the rapid dispatch of human rights and humanitarian observers or fact-finders in situations of need; the dispatch of personal envoys of the High Commissioner to incipient crisis situations; the submission of urgent reports to the Bureau of the Commission on Human Rights; and the submission of urgent reports to the Secretary-General with the request that he consider making them available to members of the Security Council.

21. Situations such as those in Sierra Leone, Kosovo, Chechnya and East Timor highlight the urgency of preventive measures. At the request of the Commission on Human Rights, updates are provided in the following sections on three of these situations: Chechnya, East Timor and Sierra Leone.

A. Chechnya

22. During the last year, the High Commissioner expressed concern about alleged human rights violations in Chechnya and offered to send a personal envoy to the region. When the seriousness of the allegations continued to rise, the High Commissioner proposed to visit the region herself, an offer which was accepted by the Government of the Russian Federation. The High Commissioner went to Moscow, Ingushetia, Chechnya and Dagestan from 31 March to 4 April 2000 and reported to the Commission on Human Rights on 5 April 2000.

23. On 12 April 2000, during its fifty-sixth session, the Commission on Human Rights adopted resolution 2000/58 on the situation in the Republic of Chechnya of the Russian Federation. In the resolution the High Commissioner for Human Rights was requested to report on its implementation to the Commission at its fifty-seventh session and to keep the Commission and the General Assembly informed on further developments as appropriate. The High Commissioner was also requested to consult with the Government of the Russian Federation to ensure implementation of the resolution and the promotion of confidence-building measures based on respect for human rights and humanitarian law.

24. The High Commissioner subsequently met with the Ambassador of the Russian Federation to the United Nations Office at Geneva to discuss the

resolution, and has written to the Minister for Foreign Affairs, Igor S. Ivanov, regarding issues related to the resolution. Contact has been maintained with regional and humanitarian organizations on the issue.

25. The resolution requested the relevant special rapporteurs and working groups of the Commission to undertake missions to the Republic of Chechnya and neighbouring republics without delay and to submit reports to the Commission and to the General Assembly as soon as possible. The resolution urged the Government of the Russian Federation to cooperate with thematic mechanisms and, in particular, to give favourable consideration to the requests already presented to undertake visits in the region as a matter of priority. Four thematic mechanisms have requested invitations to Chechnya from the Government of the Russian Federation: the Special Rapporteur on torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on violence against women, its causes and consequences, and the Special Representative of the Secretary-General on internally displaced persons.

26. The Permanent Mission of the Russian Federation to the United Nations and other international organizations at Geneva replied on 22 May to the special rapporteurs on violence against women, its causes and consequences, and on torture that the possibility of a visit by them is not excluded in the framework of their general mandates, without any linkage to the resolution of the Commission on Human Rights on Chechnya. The reply went on to state that, in the light of security conditions, the question of a possible visit of the special rapporteurs to Russia would be addressed at a later stage.

27. Commission on Human Rights resolution 2000/58 called on the Government of the Russian Federation to establish urgently a national, broad-based and independent commission of inquiry, according to recognized international standards, to promptly investigate alleged violations of human rights and international humanitarian law in order to establish the truth and identify those responsible, with a view to bringing them to justice and preventing impunity. The Office of the High Commissioner has provided information and examples of international standards to the Russian Government on commissions of inquiry.

28. According to information received from the Russian Permanent Mission on 7 July, a national commission on the investigation of human rights violations and observance of human rights in the Northern Caucasus was established on 17 April 2000, in accordance with the Russian law on public organizations. The Mission stated that all communications received by the Commission regarding human rights violations are to be given to the General Procurator to check and to take appropriate action.

29. Information from the Permanent Mission indicates that the Commission will only examine information from citizens about crimes committed in the northern Caucasus in the 1990s.

30. The Office of the High Commissioner for Human Rights has sought clarification from the Government of the Russian Federation regarding a number of issues related to the work of the national commission of inquiry and the special representative of the President of the Russian Federation for ensuring human and civil rights and freedoms in the Republic of Chechnya. The High Commissioner reiterates the importance of a national, independent and broad-based commission of inquiry as an appropriate and proportionate response to the scale of allegations of serious human rights violations.

B. East Timor

31. At the fifty-sixth session of the Commission on Human Rights, the Chairperson of the Commission issued a statement on the situation in East Timor, in which the High Commissioner was requested to submit an interim report to the General Assembly at its fifty-fifth session and to report to the Commission at its fifty-seventh session.

32. The High Commissioner notes that the Government of Indonesia has taken a number of concrete steps to investigate violations of human rights and international humanitarian law and to bring those responsible to justice. Such steps include the preparation of draft legislation to establish a human rights tribunal, which is currently before the House of Parliament; the initiation of investigations into the East Timor violations; and the signing of a memorandum of understanding between the Government of Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) on cooperation in legal, judicial and human rights related matters, dated 5 April 2000.

33. During the visit of the Secretary-General to Indonesia in February 2000, the Attorney-General requested the Secretary-General to provide assistance with a view to facilitating the prosecution and trial in the Indonesian judicial system of persons suspected of serious human rights violations. The Secretary-General, in turn, requested the High Commissioner to respond to the Indonesian requests for technical assistance. Accordingly, the High Commissioner deployed a needs assessment mission to Indonesia from 1 to 10 April 2000 to develop an appropriate project of support to the administration of justice system for the prosecution of human rights violations. The Office of the High Commissioner has subsequently provided specialized advice relating to applicable Indonesian legislation to prosecute human rights violations, prepared a memorandum on the draft human rights tribunal legislation, and intends to continue the provision of appropriate advice and, if requested by the Government, the provision of training to legal officials.

34. The Office of the High Commissioner conducted a preliminary mission to East Timor from 13 to 15 April 2000 to assess in which manner it can respond to the needs of the Human Rights Unit of UNTAET. Discussions are ongoing concerning the magnitude of the project of technical cooperation.

35. The Human Rights Unit of UNTAET continues to assist in strengthening the capacity of East Timorese human rights organizations and associations. These ongoing programmes include, inter alia, the translation into *Tetun* of key documents on human rights, the scheduling of a regular programme on human rights on UNTAET radio, weekly meetings with local and international NGOs designed to generate discussion on topics of particular immediacy, building a law library for the newly established East Timorese Jurists Association and appointing a human rights officer specifically for NGO liaison and training to help coordinate a wide range of training programmes on everything from trauma counselling to financial management.

36. The High Commissioner will visit East Timor at the beginning of August and it is anticipated that she will provide details of the project of technical cooperation with UNTAET and other matters dealt with in a statement to the General Assembly following the visit.

C. Sierra Leone

37. The human rights situation in Sierra Leone has been a matter of serious concern to the Commission on Human Rights as well as to the High Commissioner for Human Rights. At its fifty-sixth session, the Commission adopted resolution 2000/24 of 18 April 2000 on the situation of human rights in Sierra Leone in which the High Commissioner was requested, inter alia, to report to the General Assembly at its fifty-fifth session on the human rights situation in Sierra Leone, including with reference to the report from the United Nations Mission in Sierra Leone (UNAMSIL).

38. Since the adoption of that resolution, the Secretary-General has submitted two reports on UNAMSIL to the Security Council, namely the fourth and fifth reports of the Secretary-General on UNAMSIL.[6] Sections of both reports were devoted to human rights issues and pointed out continuing human rights violations and abuses in Sierra Leone, in particular those following the resumption of armed conflict in May. According to the reports, persistent fighting in many areas of the country has exacerbated the violations that have characterized the conflict. These included extrajudicial executions, mutilations, torture, rape and sexual abuse, forced labour, abduction, forced recruitment and use of children, as well as women, as soldiers, wanton destruction and looting of civilian property and massive internal displacement of persons.

39. The Commission's resolution also requested the High Commissioner to assist the Government of Sierra Leone to establish and maintain an effectively functioning Truth and Reconciliation Commission and a Human Rights Commission. The High Commissioner has provided technical assistance to the Government of Sierra Leone in drafting the law on the Truth and Reconciliation Commission. The Office of the High Commissioner also developed a project for the preparatory phase of the Commission. It had commenced its part of the selection process for commissioners and was concluding arrangements for deployment to the field when hostilities resumed in May 2000. The crisis precipitated by the resumption of hostilities has forced the Security Council to reconsider the role of UNAMSIL as well as other justice issues, including the establishment of a court to try human rights and humanitarian law abuses related to the conflict. These issues are crucial for the proper

functioning of the Truth and Reconciliation Commission. These two factors, especially the ongoing armed conflict, have delayed the implementation of the preparatory phase of the Truth and Reconciliation Commission. Regarding the Human Rights Commission, the High Commissioner's Special Adviser on national institutions, in collaboration with an expert located in situ, is providing assistance to the Government in preparing an establishing act for presentation to Parliament. Funding has been secured from a bilateral donor to hold an inclusive consultative workshop in August on the Commission and the Government has indicated that it will pass the act shortly afterwards.

40. In the Commission's resolution the High Commissioner was also requested, in cooperation with other actors, to give all necessary assistance to the Human Rights Section of UNAMSIL to enable it to fulfil its mandate to report on the violations of human rights and humanitarian law in Sierra Leone.

41. The relationship between the Office of the High Commissioner and UNAMSIL is guided by a memorandum of understanding between the Office and the Department of Peacekeeping Operations of the Secretariat. The High Commissioner has met with the Special Representative of the Secretary-General in Sierra Leone in order to streamline coordination between the Office and UNAMSIL, including with the human rights section. When armed conflict resumed in May, a Sierra Leonean task force was established by the Office of the High Commissioner to support the Human Rights Section in its response to the human rights related aspects of the conflict. The Office of the High Commissioner has also designed, within the Human Rights Section, specialist positions focusing on Sierra Leone's most pressing human rights needs, including children's rights, gender issues, training, the rule of law and capacity-building for civil society and national institutions.

42. The poor security situation has so far delayed plans to deploy human rights officers throughout the country, including to Kenema, Port Loko, Magburuka, Kabala, Daru and Kailahun. However, since the resumption of armed conflict in May, the Human Rights Section has conducted human rights assessment missions and documented abuses and violations of human rights and humanitarian law in all accessible regions, including the Freetown peninsula, Bo, Kenema, Daru, Masiaka, Port Loko, Mile 91, Lungi, Kabala, refugee camps in a neighbouring country and in internally displaced persons camps in Sierra Leone.

43. Resolution 2000/24 of the Commission on Human Rights also requested the High Commissioner, among other actors, to support the Human Rights Section of UNAMSIL to ensure that it fulfils its role, in consultation with other United Nations agencies; to assist the Government of Sierra Leone in its efforts to address the country's human rights needs, including in strengthening its involvement in technical cooperation, advisory services and human rights advocacy programmes; and to strengthen its support and expand its cooperation with human rights NGOs in Sierra Leone.

44. The Human Rights Section, in collaboration with other United Nations agencies and local and international NGOs, established a Sierra Leonean Human Rights Committee, which meets at least fortnightly, providing an avenue for consultations, exchange of ideas and information between human rights and humanitarian actors. The Section provides regular human rights training for law enforcement agencies, including the police, and civil society groups, including the National Forum for Human Rights and the working group of the Truth and Reconciliation Commission. The Forum and the working group are umbrella organizations for NGOs bonded by their support for a culture of human rights — articulated in the Sierra Leone Human Rights Manifesto adopted in June 1999 during the visit of the High Commissioner — and the establishment of the Truth and Reconciliation Committee. Both groups cooperate closely with the Human Rights Section. All projects of the Office of the High Commissioner in Sierra Leone, including the temporarily suspended Truth and Reconciliation Committee project, facilitate local capacity-building by employing methodologies empowering local NGOs and integrating them in the implementation of activities. The High Commissioner is finalizing funding arrangements with a multilateral regional donor regarding a project developed by the Human Rights Section that will provide training to human rights and humanitarian officials in Sierra Leone.

45. The Commission's resolution further requested the Secretary-General and the High Commissioner to respond favourably to any requests from the Government of Sierra Leone for assistance with its investigation of reports of human rights abuses. In

June, the Government of President Ahmad Tejan Kabbah wrote to the Secretary-General requesting assistance and guidance from the United Nations to establish a special court to try leading members of the Revolutionary United Front (RUF). In response, the Security Council adopted resolution 1315 (2000) of 14 August 2000 to establish a special court for Sierra Leone. During a meeting with the President of the Security Council in June 2000 the High Commissioner reiterated the readiness of the Office to provide all appropriate assistance in considering how best the United Nations may support the Government in this regard. In a written statement submitted to the President of the Council, the High Commissioner restated that atrocities committed against the people of Sierra Leone, including arbitrary executions, mutilations, amputations, abductions, rape, wanton destruction of property without any military objectives, forced labour and the like, constitute crimes against humanity, war crimes and other serious violations of international human rights and humanitarian law, and must not be allowed to continue or to go unpunished. This is consistent with several Security Council resolutions, including resolution 1260 (1999) of 20 August 1999, in which the Council stressed the need for accountability for human rights abuses in Sierra Leone. In this regard, the High Commissioner welcomed the request by the Government as an important proposal that should be considered in strict compliance with all applicable international standards, including those regarding effective investigation, non-discriminatory prosecution of alleged violators, rigorous respect for due process and non-implementation of the death penalty.

Chapter IV
Human rights and development

46. The High Commissioner is submitting a separate report to the General Assembly on her efforts during the past year to promote implementation of the right to development.[2] As will be seen from that report, the Office of the High Commissioner continues to give sustained and creative attention to advancing the right to development.

47. The Declaration on the Right to Development[7] sees development as a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom. Experience has shown that human rights are essential for full human development and that human development is important for the universal enjoyment of all human rights. This relationship has become increasingly apparent and the ongoing imperative is to find new ways of combating the untold suffering that continues to plague a large percentage of mankind.

48. The Office of the High Commissioner for Human Rights has worked to disseminate the human rights perspective and has advocated a human rights-based approach to development assistance. It is a significant achievement that the United Nations system has responded by accepting, for the most part, the value of the human rights framework. Many of the actions being undertaken by United Nations organizations are contributing to the incremental implementation of the right to development.

49. The United Nations Development Assistance Framework, which originated from the Secretary-General's programme for reform, seeks to harness the comparative advantage of each participating organization at the country level to formulate and execute people-centred programmes for sustainable development. The Framework provides an immediate opportunity to operationalize the goals of human rights, and it is encouraging to see the efforts to integrate measures to give effect to human rights. This process is ongoing and will need to be evaluated to assess progress in mainstreaming a human rights perspective.

50. The United Nations Development Programme (UNDP), as the largest partner for development cooperation in the United Nations system, has again made a major contribution to the process of enlarging people's choices, by expanding human functioning and capabilities. It is significant that the first *Human Development Report* issued by UNDP in the new millennium thoughtfully explores the inextricable link between human rights and human development. The report explores common grounds and objectives and ways in which the development agenda can be strengthened by the human rights principles of accountability and empowerment, equality and non-discrimination. It shows how the human rights framework can lend a comprehensive and holistic

dimension to development assistance, thus rendering it more sustainable.

51. The challenge is to build upon recent achievements in order to find new ways of effectively implementing the commitments to secure the dignity and worth of every individual. A human rights approach to development, based on internationally agreed norms and standards, brings the promise of enhanced accountability, more meaningful participation and empowerment. It gives highest priority to the integration of women and vulnerable groups into the development process and to countering discrimination, inequalities and racism. Development assistance must become more strategic, multisectoral and comprehensive and impact assessments should be carried out regularly to measure progress, in the enjoyment of human rights worldwide.

Chapter V
Human rights and the review of the World Summit for Social Development

52. From 26 June to 1 July 2000, representatives of Governments, international organizations and civil society met at the twenty-fourth special session of the General Assembly to review the commitments of the 1995 World Summit for Social Development and to set the agenda for future social development. Human rights issues were high on the agenda and the Office of the High Commissioner for Human Rights submitted a detailed reference paper on human rights dimensions.

53. The final outcome document of the twenty-fourth special session of the General Assembly[8] included several commitments, which, if implemented, will contribute significantly to the enjoyment of human rights. In particular, the final text called for action to realize the right to an adequate standard of living, the rights to health and food and the rights of women, indigenous peoples and migrant workers. It encouraged States to sign and ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to endeavour to protect the dignity and the human rights of people living with HIV/AIDS.

54. The objectives of the five-year review of the World Summit should be pursued in tandem with those of human rights and human development. A human rights-based approach will serve to strengthen the commitments of the Social Summit and the twenty-fourth special session.

Chapter VI
Human rights and the review of the Fourth World Conference on Women

55. The question of human rights was prominent on the agenda of the Fourth World Conference on Women, held in Beijing in 1995. The Office of the High Commissioner for Human Rights submitted a detailed reference paper to the Conference on human rights dimensions. At the Conference, the crucial link was made between the advancement of women and social progress around the world. The Beijing Platform for Action, adopted at the Conference, highlighted the global nature of human rights issues concerning women and signalled a strong commitment on the part of Governments to ensuring international norms in gender equality. The international community pledged to devise forward-looking strategies to integrate a gender perspective into policies and programmes and to bring about the full participation of women in political, civil, economic, social and cultural life. The Conference focused on twelve critical areas of concern, which covered issues ranging from the right to education, health and reproductive rights to the right to live free of violence and poverty.

56. At its twenty-third special session held at Headquarters from 5 to 10 June 2000, the General Assembly carried out the five-year review of the Fourth World Conference on Women, which presented an opportunity to reflect on how to implement a human rights-based approach to women's issues and to strengthen the language and thinking regarding the various treaty bodies and their role in monitoring the implementation of women's human rights. It was also an opportunity to underscore, within the international community, the importance of developing and implementing systematic performance standards to measure the extent to which States discharge their obligations to protect and promote women's human rights. Progress has been made to integrate the human rights of women and to mainstream a gender perspective into the United Nations system, including

into the work of the Office of the High Commissioner for Human Rights and the Commission on Human Rights.

57. Gender discrimination and all other forms of discrimination, in particular racism, racial discrimination, xenophobia and related intolerance, continue to threaten the enjoyment by women of their human rights and fundamental freedoms. In situations of armed conflict, the human rights of women continue to be extensively violated. Even though 165 countries have ratified the Convention on the Elimination of All Forms of Discrimination against Women, there are still a large number of reservations to the Convention. While there is an increasing acceptance of gender equality, many countries have not yet fully implemented the provisions of the Convention.

58. Discriminatory legislation as well as harmful traditional and customary practices and negative stereotyping of women and men persist. A gender perspective has still not been fully integrated into family, civil, penal, labour and commercial laws or codes, or administrative rules and regulations. Legislative and regulatory gaps, as well as lack of implementation and enforcement of legislation and regulations, perpetuate de jure as well as de facto inequality and discrimination and, in a few cases, new laws discriminating against women have been introduced. In many countries, women have insufficient access to the law, resulting from illiteracy, lack of legal literacy, information and resources, insensitivity and gender bias and lack of awareness of the human rights of women by law enforcement officials and the judiciary, who, in many cases, fail to respect the human rights of women and the dignity and worth of the human person.

59. There is insufficient recognition of the reproductive rights of women and girls, as well as barriers to their full enjoyment of those rights, which embrace certain human rights as defined in the Programme of Action of the International Conference on Population and Development and in the Beijing Platform for Action.

60. Some women and girls continue to encounter barriers to justice and enjoyment of their human rights because of such factors as race, language, ethnicity, culture, religion, disability or socio-economic class, or because of their status as indigenous people, migrants, including women migrant workers, displaced women or refugees.

61. Progress and new strategies were identified in the outcome document of the twenty-third special session of the General Assembly.[9] The outcome document not only reaffirmed the Beijing Declaration and the Platform for Action, but also strengthened certain actions set out in the Platform by making them more focused and by encompassing additional new issues that have emerged or gained importance over the last five years. The provisions related to women and health is a case in point. The provisions go beyond those adopted in Beijing in that they place strong emphasis on the gender aspects of the HIV/AIDS pandemic, sexually transmitted diseases, malaria and tuberculosis, pointing out their disproportionate impact on the health of women and girls and calling for proper policies and measures to address these challenges.

62. The outcome document also formulated a set of concrete new measures to combat violations of the human rights of women, which included: the call for zero tolerance campaigns against violence against women; the requirement for laws and other measures to address negative traditional practices, including honour crimes; and mainstreaming a gender perspective into national immigration policies in order to gain recognition of gender-related persecution and violence in the assessment of grounds for granting refugee status and asylum. Honour killings and forced marriage were addressed for the first time in an international consensus document and there was strengthened language calling on Governments to take comprehensive measures to eliminate dowry-related violence.

63. The outcome document emphasized the gender dimension of the challenges presented by globalization and stressed the gender effects of changing patterns of production, work and accelerated technological advances in information and communication, pointing out their uneven impact on women. While globalization brought greater opportunities to some women, many others have been marginalized as a result of deepening inequalities among and within countries.

64. The outcome document also placed on the international agenda the signing and ratifying of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted in 1999 — one of the greatest legislative

achievements in the area of the human rights of women since the Fourth World Conference on Women — and the Rome Statute of the International Criminal Court, which provides that rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence are war crimes when committed in the context of armed conflict and also, under defined circumstances, crimes against humanity.

Chapter VII
Human rights and the Millennium Assembly

65. In his report to the Millennium Assembly,[10] the Secretary-General assigned the highest importance to the implementation of international conventions on human rights. The Secretary-General called for special efforts on the part of Governments that have not yet done so to ratify human rights conventions and for additional efforts on the part of all the Governments to put those conventions into practice.

66. In follow-up to the appeal of the Secretary-General, the Office of the High Commissioner for Human Rights is providing to participants in the Millennium Assembly concrete information on the support and resources that would be needed by the treaty implementation bodies for the discharge of their responsibilities. The Office of the High Commissioner is appealing to the Heads of State and Government and to all participants in the Millennium Assembly to make a tangible contribution to the efforts of the treaty implementation bodies.

67. Within the framework of the Millennium Assembly, the High Commissioner for Human Rights is also organizing events for Heads of State and Government and other participants inviting them, inter alia, to subscribe to a "vision" declaration, intended to rally the international community in the struggle against racism, racial discrimination, xenophobia and related intolerance. The High Commissioner's plea is that we all constitute one human family. This truth has now become self-evident because of the first mapping of the human genome, an extraordinary achievement promising transformation, not only in scientific thought and practice, but in the vision which our species can entertain for itself. The call of the High Commissioner encourages the full exercise of the human spirit, the re-awakening of all its inventive, creative and moral capacities, which could make the twenty-first century an era of genuine fulfilment and peace.

Chapter VIII
World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

68. The United Nations High Commissioner for Human Rights is submitting a detailed report on the state of preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the following remarks should be read in conjunction with that report.

Objectives of the World Conference

69. The overall aims and objectives of the World Conference, as determined by the General Assembly, are to (a) review progress made in the movement against racial discrimination, to reappraise obstacles to further progress and to devise ways to overcome them; (b) to consider how to ensure the better application of existing standards to combat racial discrimination; (c) to increase awareness of racism and its consequences; (d) to make recommendations on how the activities and mechanisms of the United Nations can be more effective in fighting racism; (e) to review the political, historical, economic, social, cultural and other factors that have contributed to racism; (f) to make recommendations with regard to new national, regional and international measures that could be adopted to fight racism; and (g) to make recommendations concerning how to ensure that the United Nations has sufficient resources to be able to carry out an effective programme to combat racial discrimination.

70. In the light of these objectives, the World Conference will strive to identify ways to shape the spirit of this new century to ensure that all people, regardless of the colour of their skin, their ethnic or religious identity, regardless of whether they are part of a racial minority, migrants, refugees or indigenous peoples, will be entitled to develop their talents and pursue their interests on a non-discriminatory basis. The World Conference will also strive to promote a vision whereby diversity is rightly recognized as a strength and not a problem.

71. The following issues are emerging for consideration by the World Conference.

An inclusive approach to national identity

72. The World Conference should reinforce the idea of an inclusive national identity. The concept of an inclusive national identity is self-evident from the principle of non-discrimination enumerated in the Universal Declaration of Human Rights and other international human rights treaties. Mutual respect, diversity, tolerance and respect for the dignity of every human being are the cornerstones of equality.

Traditional and contemporary forms of racial discrimination

73. The World Conference should address both traditional and contemporary forms of racial discrimination, including ethnic cleansing, racist political platforms, the re-emergence of contemporary forms of slavery and the trafficking of humans. Trafficking in human beings, and the racially tinged practices which frequently accompany this practice, has become a major international problem. Other manifestations of racial discrimination include discrimination against minorities and indigenous peoples. Migrant workers and refugees are also often subject to racial discrimination. These groups have a specific set of problems in that they are newcomers to their place of residence and often have a different language, culture, religion and ethnic characteristics from the majority of the population. They are in most cases non-citizens. Problems of insertion, equal access to public services and family reunification are only among some of the problems of unequal treatment experienced by these groups.

74. New forms of racial discrimination have also emerged, which include the diffusion of ideas of racial superiority and the incitement to racial hatred over the Internet. The World Conference must examine these different manifestations of racism and consider what types of measures can be taken to provide solutions to these problems. In this regard, it will be necessary to keep in mind article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, which requires States Parties to assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his or her human rights and fundamental freedoms contrary to the Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Effective implementation of anti-discrimination laws: an adequate institutional framework

75. Despite significant progress in legal and institutional protection against racial discrimination in many States, the effective implementation of these norms remains a challenge. The good intentions that accompanied the adoption of important anti-discrimination legislation have not been universally followed by institutions adequately prepared to ensure the enforcement of these laws. In this respect, national human rights institutions, where they exist and when they are adequately funded, have been found to be an important tool to monitor racially discriminatory practices, to assist victims of racial discrimination in their efforts to obtain adequate remedies and to raise public awareness of the evils of racial discrimination.

Extreme poverty and racial discrimination

76. The struggle to eliminate racial discrimination must also be viewed in the framework of other human rights goals such as the elimination of poverty and the advancement of economic and social justice. In some cases, racial minorities live in extreme poverty and are frequently disproportionately poor relative to the majority of the population. Racial stereotypes and prejudice, combined with a cycle of poverty, are often mutually reinforcing elements. Positive measures to overcome economic handicaps directed at those who live in extreme poverty must be put forward both to combat extreme poverty and to surmount the obstacles that perpetuate racial discrimination. One important aspect of the World Conference will be to examine the links between extreme poverty and racial discrimination.

Racial discrimination as an inhibiting factor to development

77. It should also be highlighted that discrimination, be it gender-based discrimination or racial discrimination, is a significant burden on both human and economic development. The irrational marginalization of a significant percentage of human resources based on arbitrary criteria such as sex or race

reduces the percentage of the population who are educated, adequately fed and healthy, and this correspondingly limits gains in productivity. Even assuming equal levels of education, racial discrimination in employment limits competition since choices are not made on merit but on the grounds of race, and consequently the potential for increases in productivity is similarly limited. In summary, racial discrimination not only has negative consequences for human development, but also for economic development. The World Conference will examine the economic realities and consequences of racial discrimination with a view to considering what measures could be taken to achieve a non-discriminatory framework and enhance human and economic development.

Prevention

78. Another focus of the World Conference will also be on preventive measures, which cannot only reduce the potential for the worst manifestations of racial discrimination, such as ethnic conflict and genocide, but can also assist in combating racial discrimination in everyday life. For example, human rights training for security, administrative and judicial personnel may help to eliminate racial stereotypes and raise awareness of latent discriminatory practices in the security forces, the public administration and the judiciary. Positive measures that reach out to racial minorities who have been marginalized may help to reduce racial tensions and create a perception that the State is concerned on an equal basis for the welfare of all of its citizens and residents. Public awareness programmes may also help to diffuse prejudice and promote an atmosphere of tolerance rather than mutual suspicion.

Education: combating ignorance with facts, science and history

79. One of the keys to preventing racial discrimination is education. Education about the fallacies of racial discrimination and the misconceptions surrounding ideas of racial superiority is a necessity. In this regard, events ranging from genocide against ethnic groups to propaganda on the Internet have demonstrated that there are still people who continue to advocate ideas based on the superiority of one race over another. In some States there are other media, such as print, radio and television, whereby these ideas are spread. In some contemporary music, there are references in lyrics to ideas of racial superiority. The dangers this represents should not be ignored. Ideas that concern ideas of racial superiority are pernicious and dangerous and must be combated with facts, science, history and more noble concepts concerning the human condition. The World Conference will focus on the prevention of racist thinking and how education to counter the fallacies and dangers of racism can be improved and refined to be more effective and reach a wider audience.

A single human family

80. The World Conference will promote a vision of a single human family, regardless of race, colour, descent or ethnic or social origin. Racial discrimination by definition is the exclusion and dehumanizing of those who are superficially different in appearance from those practising the discrimination. The World Conference will promote the idea that a policy and practice of ensuring inclusion, not exclusion, of all members of society as part of a single human family will be the most effective way to overcome racism, racial discrimination, xenophobia and related intolerance.

A grass-roots approach to preparation for the World Conference

81. The World Conference is to be action-oriented and focus on concrete measures to assist victims of racial discrimination. It will be a people's Conference, with participation by grass-roots NGOs and national human rights institutions, United Nations human rights mechanisms and bodies, the specialized agencies, international organizations and States. The preparations for the World Conference will also have a grass-roots approach. Through a focus on national and regional meetings, including expert regional seminars being organized by the Office of the High Commissioner, national preparations will feed into the regional preparatory process and the regional preparatory process will flow into the work of the preparatory committee, which is taking place at the United Nations Office at Geneva. The Office of the High Commissioner, in collaboration with the Department of Public Information of the Secretariat, has embarked on a worldwide information campaign and has appointed seven renowned goodwill ambassadors from different regions and walks of life to help promote the World Conference. Other goodwill ambassadors will be

appointed. The report of the Secretary-General on the preparatory process for the World Conference[11] gives a detailed account of activities and dates of the activities leading up to the Conference.

Chapter IX
Conclusion

82. The present report, submitted to the General Assembly at the beginning of a new epoch, highlights the foundations now being developed in the human rights programme; draws attention to the critical importance of developing preventive strategies in the field of human rights; provides information on three particular situations at the request of the Commission on Human Rights; and reviews developments in areas of structural significance. These include human rights and development; human rights and social strategies; the human rights of women; human rights issues at the Millennium Assembly; and perspectives on the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

83. In the preparation of the present report, the High Commissioner has been mindful of the many roles of her Office as a voice of conscience; in the promotion of human rights strategies of governance; in drawing attention to the plight of those whose human rights have been violated or those threatened with such violations; in helping to devise strategies to overcome obstacles to the achievement of human rights; and in helping to foster and spearhead international cooperation for the establishment of human rights worldwide, grounded in the vision of peace set forth in the Charter of the United Nations, built on the foundations of respect for human rights and of economic and social progress. Service in the cause of human rights is the abiding mission of the Office of the United Nations High Commissioner for Human Rights.

Notes

[1] S/PRST/2000/25.

[2] A/55/302.

[3] A/55/206.

[4] E/CN.4/2000/12.

[5] Ibid., para. 92.

[6] S/2000/455 and S/2000/751.

[7] Resolution 41/128, annex.

[8] *Official Records of the General Assembly, Twenty-fourth Special Session, Supplement No. 2* (A/S-24/2/Add.1/Rev.1).

[9] *Official Records of the General Assembly, Twenty-third Special Session, Supplement No. 2* (A/S-23/2/Add.1/Rev.1).

[10] A/54/2000.

[11] A/55/285.

Annex

The international human rights treaty system: challenges for the new millennium

Summary

The United Nations High Commissioner for Human Rights has given her full support to the invitation by the Secretary-General to Governments that have not done so, to sign and ratify the various conventions, covenants and treaties which form the corpus of international law, in particular, those instruments which make up the human rights treaty system. The goal of universal ratification must, however, be accompanied by the strengthening and rationalization of the treaty system, better integration of treaty-body jurisprudence into United Nations activities and expansion and improvement in Secretariat servicing. To realize these goals, the international community must urgently commit to investing the necessary resources in a system designed to protect human dignity.

I. Introduction: a commitment to universal rights

1. The millennium report of the Secretary-General[a] and the historic Millennium Declaration[b] adopted by States at the Millennium Summit provide a framework for action in renewing United Nations efforts to advance the principles of the Charter of the United Nations in the new century. The most effective way for the international community to realize these aspirations is through structures built on the foundations of law and, in particular, on the international human rights treaties. While the rules of human interaction may be changing, the principles of human rights are more relevant and more vital than ever, and can be realized through universal ratification and implementation of the human rights treaties, one of the most important legacies of the last millennium. This will require commitments from all partners. United Nations agencies must commit to fully integrating human rights into their work. Organizations of civil society must play their vital role in advocating the implementation of human rights treaties and informing the public of their rights and duties. The private sector must commit to higher levels of accountability to communities, workers and the planet. Only States, however, can sign and ratify instruments, strengthen the international treaty system and provide the resources necessary for its effective functioning.

II. Universal ratification: consolidating the normative framework

2. The last half-century has brought more than its share of horror to the world. The international community crossed the threshold of a new millennium carrying the weight of racism, torture and poverty, among other evils. But it brought something very positive as well, a globally agreed and detailed code of binding norms and standards, built upon the simple but fundamental precept of the inviolability of human dignity. At its core are the Charter of the United Nations, the Universal Declaration of Human Rights and six basic treaties:[c]

(a) The International Covenant on Economic, Social and Cultural Rights;[d]

(b) The International Covenant on Civil and Political Rights;[e]

(c) The International Convention on the Elimination of All Forms of Racial Discrimination;[f]

(d) The Convention on the Elimination of All Forms of Discrimination against Women;[g]

(e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[h]

(f) The Convention on the Rights of the Child.[i]

3. The adoption of this package of instruments represented a development of enormous historical importance. But for us today, it also represents unfinished business. While the treaties are widely ratified,[j] the imperative of universal ratification is far from achieved, State reporting under the treaties is at best uneven, reservations are numerous and levels of implementation are far from satisfactory. As a first step in building a rights-based order for the peoples of the United Nations, the United Nations High Commissioner for Human Rights has appealed to all States to:

(a) Ratify the core human rights treaties to which they are not yet party;

(b) Consider withdrawing any reservations entered under previous ratification;

(c) Recommit to timely and meaningful treaty reporting, linked to transparent, participatory national processes;

(d) Adopt all necessary measures to give full effect to the treaties within their respective jurisdictions.

III. Universal implementation: the role of the United Nations

4. Ratification of treaties is, of course, not enough. Lest their hard-won content should become dead letter, new efforts must be made to more effectively implement the human rights instruments. For the United Nations, this means strengthening and rationalizing the treaty system, expanding and improving Secretariat servicing of the treaty bodies and integrating treaty-body outputs and jurisprudence

through support for rights-based approaches to development, peacekeeping and humanitarian affairs.

5. The rich analysis, thematic data and country-specific observations produced by the committees established to monitor the treaties[k] must be effectively processed and channelled to the operational agencies of the Organization and to its partners in government and civil society. This lies at the heart of the mainstreaming exercise and of the rights-based approach, which now defines the relationship of the Office of the United Nations High Commissioner for Human Rights with United Nations development, peacekeeping and humanitarian agencies. Thus, as a part of the Secretary-General's programme of reform, the Office of the High Commissioner has been repositioning itself to serve better the United Nations system, both as a catalyst for the adoption of rights-based approaches by United Nations agencies, and as a conduit for the delivery of human rights norms and expertise to them. Consolidating this approach, and thereby increasing the impact of human rights law on peoples' lives, is a key strategic objective of the Office.

6. At the same time, the High Commissioner for Human Rights has led an in-house review of treaty-body servicing and is working to enhance the support provided by the Office, which is committed to a process of continuous improvement in this area, guided by the realization that the work of the treaty bodies is the cornerstone of the entire United Nations human rights programme. Enhancing treaty-body servicing, while responding to the increasing demands of broader ratification, will be among the Office's greatest, and most important, challenges in the coming years.

IV. Resource imperatives

7. The United Nations treaty system has grown dramatically since the adoption of the Convention on the Elimination of All Forms of Racial Discrimination in 1965, and of the two principal International Covenants in 1966. With this growth have come increasing demands on the committees themselves, on the States parties obliged under the instruments and on the Secretariat charged with their servicing. Universal ratification may be expected to multiply these pressures. During the three days of the Millennium Assembly, 273 treaty actions took place (187 signatures and 86 ratifications or accessions). If ratification is to mean actual realization of rights, the international community must grasp the nettle of treaty-body strengthening and rationalization.

8. Securing this vision means investing today in the strengthening of the treaty system and in the mechanisms designed to disseminate its outputs. Without adequate resources, a robust, effective and authoritative human rights treaty system is impossible. Even at current levels of treaty ratification, reporting and participation, the system is stretched beyond reasonable limits. As the goal of universal ratification is approached, these constraints will be magnified and could well threaten the credibility and survival of the treaty system itself. The need for additional resources has therefore never been more acute.

Promotional activities

9. A comprehensive approach to the resourcing issue should also take into account the promotional activities undertaken by the Secretariat to disseminate knowledge about the treaties and the work of their monitoring bodies, including: answering queries from external organizations, permanent missions, individual scholars and others that have interest in the treaty system; contributing resource persons from among staff to training workshops aimed at enhancing understanding of the treaty system; maintaining databases and web sites to manage the voluminous information being produced for and by the treaty bodies and to facilitate public access to it.

Technical assistance

10. It is also highly likely that, with rising levels of ratifications, more States parties will request technical assistance in a number of areas, such as the implementation of recommendations, training on the treaties or the functioning of the treaty bodies for government officials and legislative review. The number and types of requests that may be received cannot be foreseen with any precision.

Additional resource implications of the International Convention for the Protection of All Migrant Workers and Members of Their Families and the optional protocols

11. Finally, in addition to meeting the demands generated by increasing rates of ratification and participation in relation to the existing instruments, there will be major resource implications flowing from:

(a) The entry into force of the International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, for which the establishment of a new monitoring body is foreseen in the treaty;

(b) The entry into force of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, which establishes an inquiry and individual complaints procedure;

(c) The additional reporting requirements under the new optional protocols on the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

Since it has not yet been clearly defined how the foreseen activities would be undertaken, it is not presently possible to determine the level of resources necessary to adequately support these activities. However, it is already clear that these new activities will, in due course, represent a substantial additional resource burden that will need to be financed.

V. Conclusion

12. A renewed global commitment, expressed through universal ratification, a strengthened and better serviced treaty system, the adoption of rights-based approaches and a greater investment in the core resources of the system will offer the best hope of securing a world in which everyone enjoys a social and international order in which human rights and freedoms can be fully realized.

13. Since its creation, the human rights treaty system has proliferated in terms of the number of treaties comprising the system and the expert bodies established to monitor them and the ratifications by States. This had led to an enormous growth in the workload of the treaty bodies as well as the demands on the Secretariat. In many ways, the system has become a victim of its own success. In order to ensure that success in quantity does not have negative consequences for the quality of the operation and the integrity of the treaty regime, it is critical that adequate resources be allocated for the servicing of the treaty bodies. Ratification of outstanding treaties will be an important indicator of the willingness of States to embrace a rights-based order in the new millennium. The degree to which these resource requirements are met will be another.

Notes

[a] A/54/2000.

[b] Resolution 55/2.

[c] A seventh, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, has not yet entered into force. Its early entry into force will become all the more urgent as globalizing trends towards cross-border employment continue.

[d] See resolution 2200 (XXI), annex.

[e] Ibid.

[f] Resolution 2106 A (XX), annex.

[g] Resolution 34/180, annex.

[h] Resolution 39/46.

[i] Resolution 44/25, annex.

[j] All Member States have ratified at least one of these treaties.

[k] As contained variously in "general comments", "concluding observations", "decisions" and so forth.

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